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Congressional Committees

Amateur Athlete Safety: Certification Related to the Independence of the U.S. Center for SafeSport for Fiscal Year 2021

The U.S. Center for SafeSport (the Center), established in March 2017, is a nonprofit organization that plays a key role in ensuring the safety of amateur athletes, many of whom are minors, who participate in Olympic, Paralympic, Pan-American, and Parapan American events and training.¹ The Center has jurisdiction over the U.S. Olympic and Paralympic Committee (the Corporation) and national governing bodies (amateur sports organizations recognized or certified by the Corporation for a sport included in the Olympic, Paralympic, Pan-American, or Parapan American Games), with regard to safeguarding amateur athletes against abuse in sports.² The Center is required to develop training, oversight practices, policies, and procedures to prevent abuse of amateur athletes, among other activities. Also, the Center investigates and resolves allegations of sexual misconduct by coaches, trainers, managers, peers, and others in violation of the Center's policies and procedures. In addition, the Center may, at its discretion, investigate and resolve allegations of other policy violations, including non-sexual child abuse and emotional and physical misconduct.³

The Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020 (EOPAAA) made several amendments to the Ted Stevens Act.⁴ Among other things, it prohibits former employees or board members of the Corporation or a national governing body from working or volunteering at the Center for 2 years and prohibits the Corporation and the national governing bodies from interfering in or attempting to influence the outcome of an investigation.⁵ It also provides that an executive or attorney for the Center shall be considered to have an

¹Under the Ted Stevens Olympic and Amateur Sports Act (Ted Stevens Act), an amateur sports organization means a not-for-profit corporation, association, or other group organized in the United States that sponsors or arranges an amateur athletic competition. 36 U.S.C. § 220501(b)(3). An amateur athlete is an athlete who meets the eligibility standards established by the national governing body or Paralympic sports organization for the sport in which the athlete competes. The U.S. Olympic and Paralympic Committee (Corporation) recognizes or certifies one national governing body per sport (e.g., USA Gymnastics, USA Swimming), and there are currently 50 national governing bodies and four Paralympic sports organizations. In this report, we use the term national governing body to include the Corporation's recognized or certified national governing bodies and Paralympic sports organizations as of January 2022, for a total of 54 organizations.

²See 36 U.S.C. §§ 220541-220543.

³For more information on the Center's response and resolution process for reports of abuse, see *GAO, Amateur Athletes: The U.S. Center for SafeSport's Response and Resolution Process for Reporting Abuse*, [GAO-21-128R](#) (Washington, D.C.: Dec. 18, 2020).

⁴Pub. L. No. 116-189, 134 Stat. 943. The EOPAAA was enacted on October 30, 2020.

⁵Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(1)) provides that "[a] former employee or board member of the corporation or a national governing body shall not work or volunteer at the Center during the 2-year period beginning on the date on which the former employee or board member ceases employment with the

inappropriate conflict of interest if the executive or attorney also represents the corporation or a national governing body.⁶

The EOPAAA included a provision for GAO to annually “make available to the public a certification relating to the Center’s independence from the Corporation,” including the following:⁷

- a finding of whether a violation of the prohibition on employment of former employees or board members of the Corporation has occurred during the year preceding the certification;
- a finding of whether an executive or attorney for the Center has had an inappropriate conflict of interest during that year; and
- a finding of whether the Corporation has interfered in, or attempted to influence the outcome of, an investigation by the Center.

In our second annual report, we examined, during the period of January 1, 2021, through December 31, 2021: (1) whether former board members or employees of the Corporation observed the required 2-year “cooling-off period” before working or volunteering at the Center; (2) whether an executive or attorney for the Center had an inappropriate conflict of interest; and (3) whether the Corporation interfered in, or attempted to influence the outcome of, an investigation by the Center.

Our certification applies to the Corporation.⁸ However, we also included information about national governing bodies in our report because the EOPAAA refers to national governing bodies as well as the Corporation in connection with the cooling-off period, the definition of an inappropriate conflict of interest, and the prohibition on interference with Center investigations.

Our findings in this report are based on our review of information and documents that we obtained from the Center, the Corporation, and national governing bodies.⁹ Specifically, to examine whether the cooling-off period was observed and whether inappropriate conflicts of interest occurred, we reviewed information provided by the Center about its employees and volunteers (including board members, executives, attorneys, contractors, and other staff) who worked or volunteered for the Center at any point during its fiscal year 2021 (January 1, 2021, to December 31, 2021). We reviewed conflict of interest verification forms and associated supplemental statements that the Center requires of all its employees, board and committee

corporation or national governing body.” However, an athlete serving on the board of directors of a national governing body who is not otherwise employed by the national governing body may volunteer at, or serve in an advisory capacity to, the Center. For the purposes of this report, we refer to this as the 2-year cooling-off period. Additionally, Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(4)(A)) provides that the “corporation and the national governing bodies shall not interfere in, or attempt to influence the outcome of, an investigation.”

⁶Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(3)).

⁷See section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(j)). For our fiscal year 2020 certification, see *GAO, Amateur Athlete Safety: Certification Related to the Independence of the U.S. Center for SafeSport for Fiscal Year 2020*, [GAO-21-586R](#) (Washington D.C.: June 29, 2021).

⁸See 36 U.S.C. § 220541(j).

⁹This report covers fiscal year 2021 and is based on the certification provisions of the EOPAAA described above and our review of the information and documentation described below. This report does not address the Center’s independence from the Corporation or national governing bodies in any other respects.

members, contractors, volunteers, and interns.¹⁰ The form requires disclosure of any current or past employment or association with the Corporation or a national governing body.

We also cross-checked the information provided by the Center to information we received from the Corporation and 47 of 54 national governing bodies about their employees.¹¹ For example, we obtained from the Corporation and national governing bodies information about attorneys they employed, hired, or retained; the dates of representation; and a brief description of the type of matter each attorney or firm engaged in on behalf of the Corporation or national governing body. We also received information from the Corporation and national governing bodies about whether, to their knowledge, former employees, including board members, executives, attorneys, employees of contractors, and volunteers, subsequently became involved with the Center as employees, board members, volunteers, contractors, or outside counsel after leaving their organizations.¹²

To examine whether the Corporation interfered in, or attempted to influence the outcome of, an investigation, we reviewed the Center's written responses to questions about how employees, board members, or other representatives of the Corporation or national governing bodies interacted with the Center during fiscal year 2021. We also reviewed various documents, such as the Center's employee handbook, the Center bylaws, confidentiality policy, standard operating procedures, and the SafeSport Code, which establishes acceptable standards of conduct for all individuals who participate in U.S. Olympic and Paralympic events and training.¹³

We conducted this performance audit from November 2021 to June 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Certification

Based on the certification provisions of the EOPAAA and the methodology described above, we certify that the Center was independent from the Corporation during fiscal year 2021, as described in more detail below.

Observance of 2-Year Cooling-Off Period for Former Employees and Board Members

We found no evidence that a former employee or board member of the Corporation worked for or volunteered with the Center in violation of the cooling-off period during fiscal year 2021. Specifically, when we compared the names of individuals who worked or volunteered with the

¹⁰Employees and others provide the information included in the conflict of interest forms; the information is self-disclosed. The Center reported that outside counsel runs conflict of interest checks for each engagement with the Center.

¹¹We emailed questions to the chief executive officers or executive directors of the Corporation and 54 national governing bodies on March 11, 2022. As of June 1, 2022, we received responses from the Corporation and 47 national governing bodies. Seven national governing bodies did not respond to our questions.

¹²In addition, we conducted a search of a proprietary database to obtain supplemental information about employees' employment history, however, we determined that the information obtained through the search was not sufficiently reliable for our purposes, as we were unable to confirm that the search results were limited to individuals who worked for the Center, or that the information provided in the search results for individuals reflected a complete employment history.

¹³For future fiscal years, as circumstances may warrant, we may modify our scope and methodology.

Center during 2021 with those who separated from the Corporation between January 1, 2019, and December 31, 2021, we found that none of the individuals who volunteered or worked with the Center were employees or board members of the Corporation between January 1, 2019, and December 31, 2021. See table 1 for the number of individuals who were employed, volunteered, or worked with the Center during fiscal year 2021.

Table 1: Number of Individuals Who Were Employed, Volunteered, or Worked with the U.S. Center for SafeSport, Fiscal Year 2021 (January 1, 2021 to December 31, 2021)

Employees	120
Board and committee members	17
Contractors	68
Outside counsel	10
Volunteers and interns	2

Source: GAO presentation of U.S. Center for SafeSport data. | GAO-22-105572

The Center takes multiple steps to ensure its employees and volunteers are aware of and in compliance with the 2-year cooling-off period. For example, when the Center advertises job vacancies it includes language describing the 2-year cooling-off period. Moreover, according to Center officials, the Center's Human Resources department conducts reviews of applicants' resumes and publicly available employment information to ensure all incoming employees are in compliance.

The Center also provides employees and volunteers its conflict of interest policy. According to the policy, a conflict of interest, or potential conflict of interest, exists when an individual's past, current, or anticipated future activities or interests, including financial interests, interfere with, influence, or have the potential to interfere with or influence the individual's responsibilities on behalf of the Center or undermine its interests. In addition, since July 2019 the Center has required its employees to complete a conflict of interest verification form at the start of employment or engagement with the Center and, according to Center officials, annually thereafter. The form requires disclosure of any current or past employment or association with the Corporation or a national governing body. The Center provided us with copies of conflict of interest verification forms for its employees and volunteers during fiscal year 2021. Our review of these forms found that no individuals reported having worked for the Corporation or national governing bodies during the required 2-year cooling-off period. Likewise, our review of information provided by responding national governing bodies found that none reported having employed individuals who subsequently volunteered or worked for the Center during the required 2-year cooling-off period.

Executive or Attorney Conflicts of Interest

We found no evidence of a conflict of interest, as defined by the EOPAAA, between the Center's executives or attorneys and the Corporation.¹⁴ The Center employed 12 executives and attorneys and retained 10 lawyers as outside counsel from various law firms in that year. No Center executives or attorneys reported representing the Corporation during the relevant period. In addition, we cross-checked the names of every lawyer employed by or retained as outside counsel by the Corporation and did not find any that also represented the Center in fiscal year

¹⁴An executive or attorney for the Center shall be considered to have an inappropriate conflict of interest if the executive or attorney also represents the Corporation or a national governing body. Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(3)).

2021. Similarly, with regard to the responding national governing bodies, we identified no conflicts of interest, as defined by the EOPAAA, for fiscal year 2021.

Center Practices to Prevent Interference or Influence in Investigations

Our review of the Center's investigative process found no evidence of interference or influence by the Corporation. Center staff reported that they were not aware of any attempts by the Corporation to interfere in or influence the outcome of an investigation during fiscal year 2021. According to Center staff, the Center expects employees and board members to report to their supervisor or the Center's legal department any attempts to interfere in or influence the outcome of an investigation.

The Center has safeguards in place to prevent the Corporation and national governing bodies from interfering in or influencing the outcome of investigations. The SafeSport Code and the Center's standard operating procedures require the Center to only share limited information about allegations and cases with the Corporation and national governing bodies. For example, the Center may request membership information and the names and contact information of individuals from the Corporation and national governing bodies when determining its jurisdiction over a case, or the Center may notify the Corporation or national governing bodies with jurisdiction over individuals, so that eligibility restrictions can be enforced.¹⁵ The Center does not provide, per its policies, detailed information about investigations to the Corporation and national governing bodies. The SafeSport Code also includes language prohibiting the Corporation or national governing body employees, board members, and legal counsel from serving as advisors to individuals participating in the Center's processes.

As previously reported, the Corporation and responding national governing bodies provided information about their communications with the Center related to investigations; among the national governing bodies providing detailed information, the communications we reviewed were consistent with the procedures outlined in the SafeSport Code and the Center's standard operating procedures.¹⁶ The responding national governing bodies that provided detailed information about their experiences with investigations reported that their interactions with the Center were generally limited to (1) receiving notices from the Center about jurisdiction, temporary measures, or final resolution decisions; or (2) requests from the Center for information about claimants, respondents, or witnesses.¹⁷

¹⁵Under the SafeSport Code, certain alleged violations fall under the Center's "exclusive jurisdiction" (including allegations of sexual misconduct and child sexual abuse, among others) and other alleged violations fall under its "discretionary jurisdiction" (including allegations of non-sexual child abuse and emotional and physical misconduct, among others). The Code prohibits national governing bodies—which may impose temporary measures or safety plans—from investigating or resolving allegations within the Center's exclusive jurisdiction. National governing bodies may investigate and resolve matters within the Center's discretionary jurisdiction if the Center expressly declines to examine them.

¹⁶[GAO-21-586R](#). Twelve of 47 national governing bodies that responded to our inquiry did not provide sufficient information for us to categorize their communications with the Center as it relates to investigations.

¹⁷At any time during intake and investigation the Center may adopt or implement temporary measures, depending on the perceived risk to athletes or the sport community, among other considerations. According to the SafeSport Code, temporary measures may include, but are not limited to, altering training schedules, providing or requiring chaperones, implementing contact limitations, and suspending individuals from participating in some or all aspects of sport activity. A formal resolution occurs after the Center has completed an investigation and either closes the matter or, if a violation of the SafeSport Code is found, issues its decision. Also, according to the SafeSport Code, a claimant is a person who is alleged to have experienced conduct that constitutes a Code violation. A respondent is a participant of the Olympic and Paralympic community who is alleged to have violated the SafeSport Code.

In addition to sharing limited information about investigations with the Corporation and national governing bodies, the Center has taken additional steps to prevent the Corporation or national governing bodies from interfering in or influencing the outcome of investigations. According to Center staff, they have discussed with employees and board members the provisions of the EOPAAA, including the provision prohibiting the Corporation and national governing bodies from interfering in, or attempting to influence the outcome of, an investigation. Also, the Center revised the SafeSport Code to state that national governing bodies and the Corporation are prohibited from interfering in, attempting to interfere in, or influencing the outcome of the Center's investigations.¹⁸ The national governing bodies and Corporation received notice of this change in December 2021.

Third-Party Views

We provided excerpts of this report to the Center for review and comment. The Center provided technical comments, which we incorporated as appropriate.

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If you and your staff have any questions, please contact Kathryn A. Larin at (202) 512-7215 or larink@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Major contributors to this report were Andrea

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A handwritten signature in black ink, reading "Kathryn A. Larin". The signature is fluid and cursive, with the first name "Kathryn" and last name "Larin" clearly legible.

Kathryn A. Larin, Director
Education, Workforce, and Income Security Issues

¹⁸Under the EOPAAA, in the case of an attempt to interfere in, or influence the outcome of, an investigation, the Center is required to submit to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce and Committee on the Judiciary a report describing the attempt, within 72 hours. Section 8(a)(1)(E) of the EOPAAA (codified at 36 U.S.C. § 220541(f)(4)(B)). The Center reported potential interference by a national governing body in an investigation during fiscal year 2021. The Center informed the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce and Committee on the Judiciary of the matter. As of June 2022, the Center's investigation into the potential interference is ongoing.

List of Committees

The Honorable Maria Cantwell

Chair

The Honorable Roger F. Wicker

Ranking Member

Committee on Commerce, Science, and Transportation

United States Senate

The Honorable Richard J. Durbin

Chair

The Honorable Charles E. Grassley

Ranking Member

Committee on the Judiciary

United States Senate

The Honorable Frank Pallone

Chair

The Honorable Cathy McMorris Rodgers

Republican Leader

Committee on Energy and Commerce

House of Representatives

The Honorable Jerrold Nadler

Chair

The Honorable Jim Jordan

Ranking Member

Committee on the Judiciary

House of Representatives

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